

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

15-CR-6131-EAW

MATTHEW DIFLORIO,

Defendant.

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**GOVERNMENT'S MOTION FOR A  
PROTECTIVE ORDER AND ORDER TO SEAL**

**THE UNITED STATES OF AMERICA**, by and through its attorneys, William J. Hochul, Jr., United States Attorney for the Western District of New York, and Tiffany H. Lee, Assistant United States Attorney, hereby moves the Court for a Protective Order pursuant to Title 18, United States Code, Section 3509(d)(1) and for an Order permitting the filing of victim impact statements under seal, for the reasons set forth below.

1. On October 14, 2015, Matthew DiFlorio pleaded guilty to a one count Information charging a violation of Title 18, United States Code, Section 2422(b), coercion and enticement of a minor. Sentencing is currently scheduled for January 19, 2016.

2. The Government has complied with the Justice For All Act, Title 18, United States Code, Section 3771(b), by notifying the victim about the charges and conviction. The victim and the victim's mother have submitted victim impact statements. Title 18, United States Code, Section 3509(d) authorizes the filing under seal of the name or any other information concerning a child. Furthermore, Title 18, United States Code, Section 3509(d)(1) requires the Government, the defendant and defense counsel, among other things to "keep all documents that disclose the name or any other information concerning the child in a secure place and shall disclose the documents only to persons who by reason of their participation in the proceeding have a reason to know the information." Additionally, Title 18, United States Code, Section 3771(a)(8) makes clear that a victim has "the right to be treated with fairness and with respect for the victim's dignity and privacy." Since the victim impact statements contain identifying and personal information, the government requests the Court to seal the victim impact statements, and issue a Protective Order limiting disclosure.

3. Pursuant to Title 18, United States Code, Section 3509(d), it is further requested that the material and copies referenced in Paragraph 2, shall not be disclosed to the media or any other person or entity except to those persons who, by reason of their participation in the proceeding, are entitled. Nothing shall prohibit a party from using the material in connection with the proceedings in this litigation, including appeal or any collateral enforcement proceedings.

4. It is further requested that copies shall not be provided to third parties except those employed or engaged for the purpose of this litigation, who shall also be bound by order of the Court.

DATED: Rochester, New York, December 11, 2015.

Respectfully submitted,

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United States Attorney

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